

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-06
ERNSBERGER HILLS
MAY 26, 2020

I. GENERAL INFORMATION

A. Project Description

The proposal is for preliminary plat approval of a two-lot residential subdivision. The lots would be served by individual septic systems and wells. Lot 1 is currently developed and is accessed via an existing driveway off Tiger Lily Lane. Lot 2 would be accessed via an existing approach off Highway 2, which also serves the adjacent Weyerhaeuser Company property.

B. Project Personnel

i. Owner/Applicant

Scott & Jocelyn Ernsberger
PO Box 1438
Kalispell, MT 59901-1438

ii. Tech. Representative

Eric Mulcahy, Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

C. Application Review Dates

1. Land Use Advisory Committee/Council

The proposal is not located within the jurisdiction of a land use advisory committee.

2. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on June 10, 2020 at 6:00 P.M. at the Trade Center Building at the Flathead County Fairgrounds, located at 265 North Meridian Road in Kalispell, Montana. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

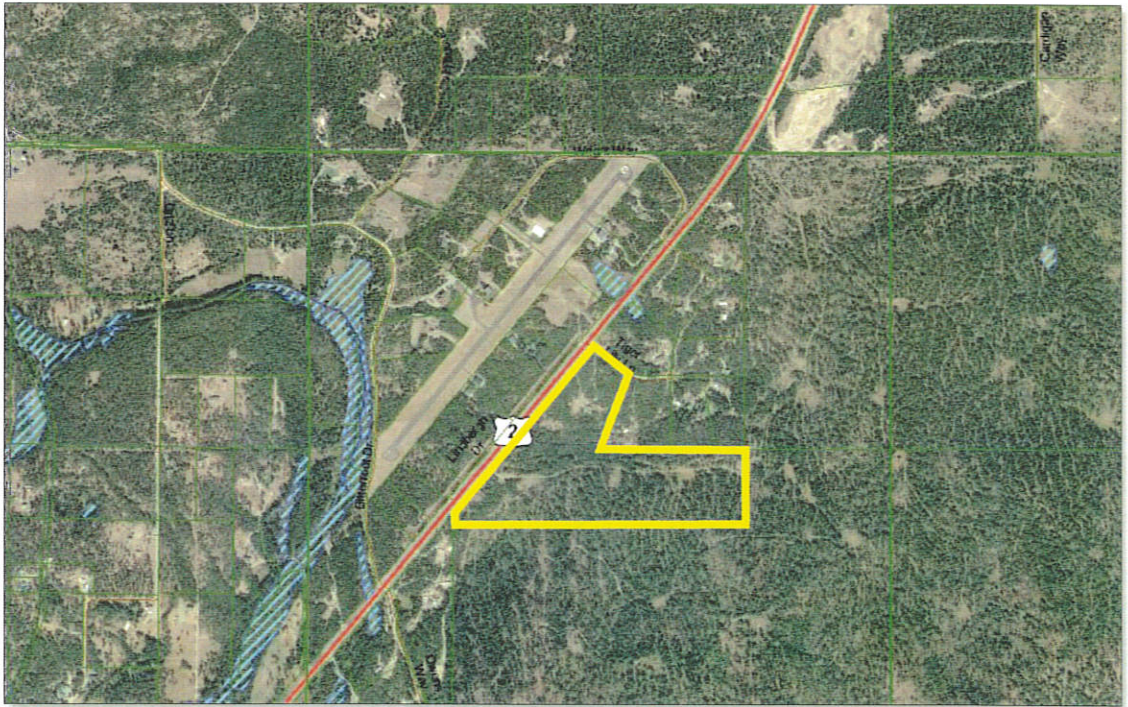
The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to July 21, 2020 which is the end of the 60-working day statutory review period.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The subject property is 48.976 acres in size and is located at 2 Tiger Lily Lane, Marion, Montana. The property can legally be described as Lot 4A of the Amended Plat of Lot 4 of Montana Dreams, located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 27 North, Range 24 West, P.M.M., Flathead County, Montana.

Figure 1: Aerial of subject property outlined in yellow



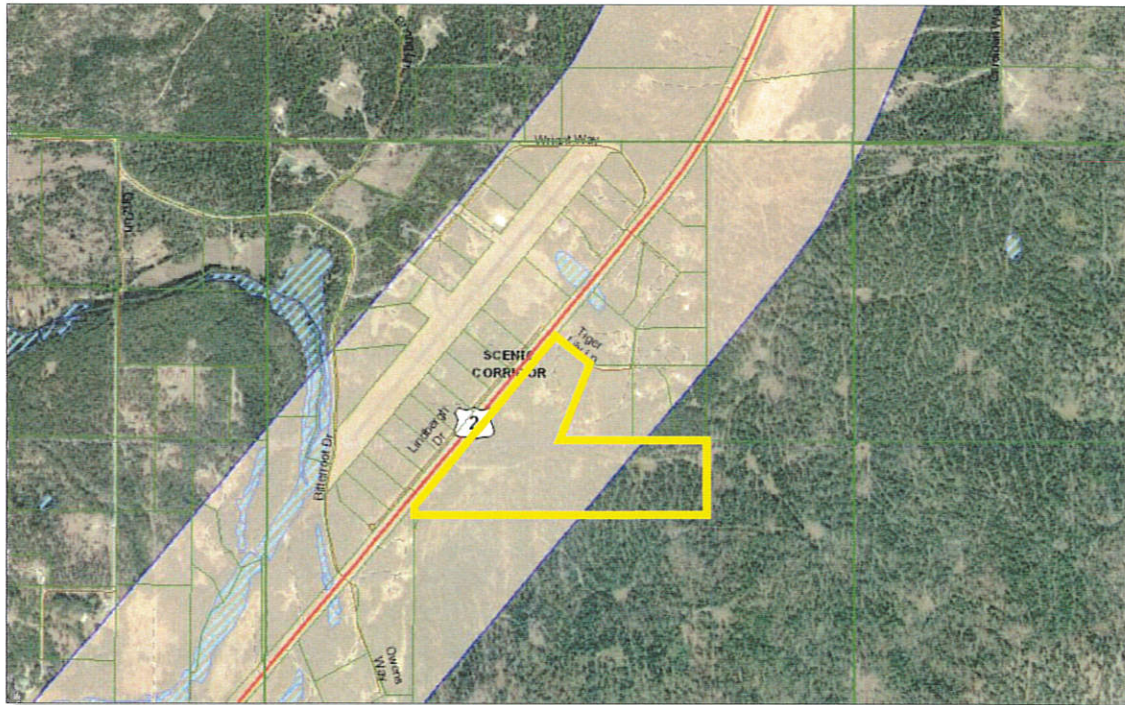
B. Subdivision Layout Detail

1. Total Subdivision Acreage:	48.976 acres
2. Acreage in Lots:	48.976 acres
3. Acreage in Roads:	0.000 acres
4. Total Open Space Acreage:	0.000 acres
5. Minimum Lot Size:	16.010 acres
6. Maximum Lot Size:	32.968 acres
7. Density:	1 unit per 24.488 acres

C. Current Land Use and Zoning

The portion of the property within a quarter mile of the Highway 2 right-of-way is zoned 'Scenic Corridor' and the remaining portion of the property is not zoned. The property contains a single-family dwelling and shop and the remaining undeveloped area is primarily forested.

Figure 2: Surrounding zoning, subject property outlined in yellow



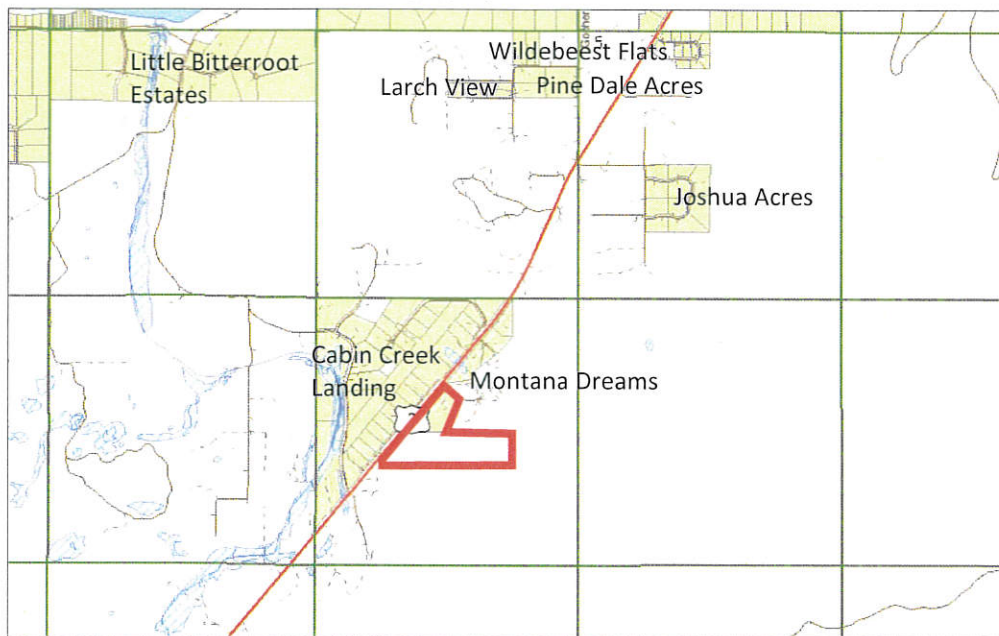
D. Proposed Land Use

- The proposed subdivision would create two residential lots. The average size of lots within the subdivision would be 24.49 acres. The applicant is proposing no common area/open space or internal subdivision roads.

E. Previously Considered Subdivisions in Area

Subdivision Name (year approved)	Type	Total Lots	Average Lot Size
Montana Dreams (2000)	Residential	4	8.9 acres
Cabin Creek Landing (2002)	Residential	24	3.8 acres
Joshua Acres (2008)	Residential	10	3.6 acres
Pine Dale (1992)	Residential	4	4.3 acres
Larch View (2017)	Residential	3	3.2 acres
Wildebeest Flats (2006)	Residential	2	4.0 acres
Little Bitterroot Estates (2005)	Residential	16	9.7 acres

Figure 3 – Area subdivisions, subject property outlined in red



F. Utilities and Services

1. **Water** – Individual Wells
2. **Wastewater** – Individual Septic Systems
3. **Electricity** – Flathead Electric Cooperative
4. **Natural Gas** – N/A
5. **Solid Waste** – Evergreen Disposal
6. **Telephone Service** – CenturyLink
7. **School District(s)** – Marion School District, Flathead High School District
8. **Fire District(s)** – Marion Fire District
9. **Police** – Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Comments

1. Referrals were sent to the following agencies on April 28, 2020:
 - Bonneville Power Administration
 - DNRC
 - Flathead County Address Coordinator/GIS Department
 - Flathead City-County Health Department – Environmental Health
 - Flathead County Sheriff's Office
 - Flathead County Solid Waste District
 - Flathead County Superintendent of Schools
 - Flathead County Weeds & Parks Department
 - Kalispell School District
 - Marion School District
 - Montana Department of Transportation
 - Montana Fish, Wildlife & Parks

2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Flathead City-County Health Department
 - Comment: “This project proposes two lots. A portion of Lot 1 was previously approved for one individual living unit served by an onsite individual water supply and septic system (Lot 4 Montana Dreams). If no additional development is proposed, Lot 1 could be exempted from DEQ review. Lot 2 is greater than 20 acres and thus not subject to review under the Sanitation in Subdivisions Act.” Letter received May 26, 2020
 - Bonneville Power Administration
 - Comment: “As this time, BPA does not object to this request, as the property is located 6.61 miles away from the nearest BPA transmission lines or structures.” Email received April 30, 2020
 - Flathead City-County Health Department
 - Comment: “This proposal requires review under Sanitation in Subdivisions and is subject to review under Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm drainage, and solid waste disposal.” Letter received May 5, 2020
 - Montana Department of Transportation
 - Comment: “As stated in the submittal since this is a change in use of the existing access then the owner will need to contact the MDT Kalispell Office to update the existing approach permit.” Email received May 11, 2020
 - Flathead County Solid Waste District
 - Comment: “Thank you for the opportunity to comment on the above referenced major subdivision. The landfill capacity currently available is from 30 to 60 years based on annual tonnage increase of 8% per year or 2% per year respectively.
 - The District requests that all new subdivisions use a private hauler to bring solid waste to the landfill. The outlying green box sites should not be the primary method of solid waste disposal. Evergreen Disposal is the (PSC) Public Service Commission licensed hauler in the area. Their business phone number is 406-257-1739.
 - After reviewing the project summary, I believe that the proposed major subdivision preliminary plat applicant is approaching the issue of solid waste in an appropriate manner.” Letter received May 14, 2020

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on May 20, 2020, legal notice was published in the Daily Interlake on March 24, 2020, and notice of the proposal and public hearing was physically posted onsite on prior to June 1, 2020.

As of the date of the completion of this staff report, no public comments have been received regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

1. Agriculture and Agricultural Water User Facilities

The average lot size within the subdivision would be 24.49 acres. The Environmental Assessment (EA) states, “The subject subdivision is not in an area of Flathead County that was ever used for commercial agricultural practices. This is an area of the County that was always in timber production and in this case the timber company sold off much of the property that is subject to this subdivision.” Additionally, the EA indicates there are no shared agricultural water works, canals, irrigation ditches, or pump houses on the property and the property is not located within an agricultural water district or area. According to the National Resources Conservation Services (NRCS) web soil survey, the property contains four soil types which are classified as not prime farmland.

Finding #1 – There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision because the property is not in agricultural production, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.

2. Local Services

a. Water and Wastewater Services

The proposed subdivision is not located adjacent to public water or wastewater services and instead will be served by individual wells and septic systems. Comment from the Flathead City-County Health Department states, “This project proposes two lots. A portion of Lot 1 was previously approved for one individual living unit served by an onsite individual water supply and septic system (Lot 4 Montana Dreams). If no additional development is proposed, Lot 1 could be exempted from DEQ review. Lot 2 is greater than 20 acres and thus not subject to review under the Sanitation in Subdivisions Act.” However, the application states, The applicant is not proposing to undergo DEQ review with this subdivision to get approval for water and wastewater services.

The DEQ Certificate of Subdivision Approval (COSA), Flathead City-County Health Department septic system permit, and DNRC ground water certificate for Lot 1 were provided with the application. No documentation has been submitted regarding water supply quality and quantity, nor groundwater and environmental constraints for septic systems. Section 4.7.21(b) FCSR states, “For those lots which range in size from 20 acres to 160 acres and on-site sewer and water facilities is not sought prior to final plat review, a disclaimer shall be placed on the face of the final plat stating this plat has not been reviewed or approved for individual sewer or water facilities or for storm water drainage.”

Finding #2 – Impacts on water and wastewater services have not been determined because the lots are exempt from DEQ review, the applicant has not sought on-site sewer and water facilities, and a disclaimer shall be placed on the face of the final

plat stating this plat has not been reviewed or approved for individual sewer or water facilities.

b. **Solid Waste Disposal**

The developer is proposing contract haul as a mechanism for solid waste disposal as requested of all subdivisions by the Flathead County Solid Waste Department. Comment from the Flathead County Solid Waste District noted that Evergreen Disposal will be the Public Service Commission (PSC) licensed hauler responsible for solid waste disposal in this area.

Finding # 3 – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

c. **Roads**

The proposed subdivision is located along Highway 2, which is a paved, MDT-maintained road. Lot 1 is currently developed and accessed via an existing driveway off Tiger Lily Lane, which is a privately-maintained, paved road within a 60-foot wide easement. Access to Lot 2 would be via an existing shared approach off Highway 2, which also serves the adjacent Weyerhaeuser Company property. The recorded Easement Agreement with Weyerhaeuser Company for the 60-foot wide access and utility easement was provided with the application.

According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, single-family dwellings typically generate approximately 10 average daily trips (ADT). The subdivision would create 1 additional residential lot and would therefore add approximately 10 ADT to the road network. The most recent traffic counts for Highway 2 were collected in 2018 and indicated 3,145 ADT in the vicinity of the proposed subdivision. Using these estimates, the addition of 10 vehicle trips would increase traffic on Highway 2 by less than 1%.

Finding #4 – Impacts on area roads would appear to be acceptable as Highway 2 and Tiger Lily Lane would provide legal and physical access to the proposed subdivision lots, the proposed subdivision has the potential to increase traffic on Highway 2 by less than 1%, and an updated approach permit from the Montana Department of Transportation would be required for the approach onto Highway 2.

d. **Schools**

The proposal is located in the Marion School District and the Flathead High School District. According to the 2017 Census Data there are 48,741 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2019 states there are 16,422 students enrolled in County schools. The total students (16,422) divided by the total households (48,741) equals approximately 0.34 students per household. Therefore, one additional lot could generate approximately one school age child.

The Marion School District has seen a 19% increase in enrollment over the last decade and a 17% increase between the last two years. The Kalispell High School District has seen a 5% increase in enrollment over the last decade and a 1% decrease

between the last two years. The school districts did not provide comment regarding the proposed subdivision.

e. **Mail Delivery**

The application indicates mail delivery service is not available to the subject property and mailboxes are not proposed within the subdivision. The developer will be required to submit plans for review and written approval from the local postmaster prior to final plat approval.

f. **Recreation**

The proposed subdivision would create only one additional lot, thus parkland is not required per Section 4.7.24(a)(iv) of FCSR.

The Flathead County Trails Plan designates Highway 2 as a proposed connector trail, thus a 15-foot wide pedestrian and bicycle path easement will be required within the subdivision, parallel to Highway 2, in accordance with Section 4.7.19 FCSR.

Finding #5 – Impacts on local services with regard to schools, mail delivery and recreation would appear to be acceptable as the proposed subdivision would add approximately one student to the local school district, the applicant will be required to submit written approval from the local postmaster prior to final plat approval, no parkland dedication would be required, and a 15-foot wide pedestrian and bicycle path easement along Highway 2 would be required.

3. **Public Health And Safety**

a. **Storm Water Drainage**

The EA states, “Runoff water from the roofs and driveways in the subdivision will flow to natural depression areas located on the property. Because both lots are exempt from MDEQ provisions, no stormwater calculations are provided with this application or EA.”

The subdivision would create two lots, one which was previously reviewed and approved by DEQ and one which would be larger than 20 acres in size. The applicant is not proposing to undergo DEQ review with this subdivision for storm water drainage and no storm water calculations have been provided with the application. According to the soils report, the soil types located on the subject property are not subject to ponding or flooding and range from well drained to excessively drained.

Section 4.7.21 FCSR states, “For those lots which range in size from 20 acres to 160 acres and on-site sewer and water facilities is not sought prior to final plat review, a disclaimer shall be placed on the face of the final plat stating this plat has not been reviewed or approved for individual sewer or water facilities or for storm water drainage.”

Finding #6 – Impacts on storm water drainage have not been determined because the lots are exempt from DEQ review and a disclaimer shall be placed on the face of the final plat stating this plat has not been reviewed or approved for storm water drainage.

b. **Fire/Emergency Medical Services**

A portion of the subject property is currently located within the Marion Fire District and the Marion Fire Department is located approximately 2.4 miles north of the proposed subdivision, along Gopher Lane. The EA states, “[...] the applicant has made application to the County Commissioners to annex all of the property into the Fire District.”

The subject property is located within the Wildland Urban Interface (WUI) and is mostly forested. A Fire Prevention, Control and Fuels Reduction Plan was provided with the preliminary plat application. The plan identifies priority areas for thinning including around the existing structures and driveway. A letter from the Fire Chief of the Marion Fire District was submitted with the plan and states, “The proposed subdivision of the 2 properties does not pose any major impacts on the Marion Fire District and we are in favor of the annexation.” The applicant will be required to annex all lots within the proposed subdivision into the Marion Fire District and to provide written correspondence from the District verifying the Fire Prevention, Control and Fuels Reduction Plan has been approved and implemented, prior to final plat approval.

Ground ambulance service would be available to serve the proposed subdivision, as well as ALERT service provided by Kalispell Regional Medical Center.

c. **Police Services**

The proposed subdivision is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff’s Office. The Flathead County Sheriff’s Office did not provide comment regarding the proposed subdivision. Given existing staffing levels and shift rotations, the size of the county and the dispersed nature of the population, delayed response times in the event of an emergency may be anticipated. The property’s distance from the Sheriff’s Office in Kalispell would result in response times being slower than response times in more urban areas of the County.

Finding #7 – Impacts on police, fire and emergency medical services would be minimal with the imposition of conditions because the subject property would be served by the Marion Fire District and Flathead County Sheriff’s Department in the event of an emergency and the applicant will be required to annex all lots within the proposed subdivision into the local fire district and implement an approved Fire Prevention, Control and Fuels Reduction Plan prior to final plat approval.

d. **Impact of Noise**

While some noise and vibration will probably result from construction, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise beyond what is typical for a residential area is anticipated as a result of the proposed subdivision. The proposed residential use is not anticipated to generate permanent continuous noise impacting area residents or wildlife.

e. **Air Quality**

The lots will be accessed via driveways off Highway 2 and Tiger Lily Lane, both of which are paved roads. The proposed subdivision will not generate any

additional dust except during construction activities. The applicant has submitted a 'Dust Control Plan' compliant with Section 4.7.14 FCSR which addresses dust related to construction. A note shall be required on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

Finding #8 – Impacts to air quality and noise are anticipated to be minimal with the imposition of conditions because impacts of noise from the residential development are not expected to extend beyond property lines, the primary access roads to the subdivision are paved, and a Dust Control Plan was provided to mitigate potential issues of dust during construction.

f. **High Voltage Electric Lines/High Pressure Gas Lines**

There are no high pressure gas lines or high voltage electrical lines on the subject property.

g. **Airport Influence Areas**

The subject property is not within an airport influence area.

Finding #9 – Impacts to public health and safety from high voltage electric lines, high pressure gas lines, or airport influence areas are not anticipated because no high voltage electric lines or high pressure gas lines are located on the subject property and the property is not located within an airport influence area.

4. **Natural Environment**

a. **Soils**

According to the National Resources Conservation Services (NRCS) web soil survey, soils on the property are comprised of four classifications: Combest gravelly ashy silt loam, 35 to 60 percent slopes, Glaciercreek gravelly ashy silt loam, 0 to 8 percent slopes, Pleasantvalley-Winfall, dry complex, 8 to 30 percent slopes, and Lesier, dry-Foyslake-Glaciercreek complex, 4 to 15 percent slopes. The soils are classified as well to excessively drained and are not subject to ponding or flooding.

b. **Geologic/Avalanche Hazards**

According to the EA, "The proposed development is located in an area of gently rolling terrain with no steep slopes." The subject property is located near a geologic fault line, however, there is no evidence of unstable soils, rock outcroppings, falls or slides which would indicate significant geologic hazards present on the subject property. The subdivision is not located in an area of the County considered to be prone to avalanche hazards.

Finding #10 – No impacts from soils and geological and avalanche hazards are anticipated because soil types on the subject property appear suitable for development, the property does not contain steep slopes, and there is no evidence of unstable soils, rock outcroppings, falls or slides on the property.

c. **Flora**

The Montana Natural Heritage Program report identifies one plant species of concern in the township and range of the proposed subdivision. The species of concern in the vicinity include Western Quillwort. Additionally, Slender

Wedgegrass is listed as a potential plant species of concern. These species reside in freshwater lakes and low-elevation mesic sites.

The prevention of noxious weeds is particularly important with regard to construction and development. Pursuant to Section 4.7.25 FCSR, an approved weed control plan, applicable to all lots, will be required as a condition of final plat approval.

d. **Riparian/Wetland Areas**

The subject property does not contain any surface waters, wetlands, or riparian areas.

e. **Floodplain**

According to FEMA FIRM Panel 30029C2200G, the subject property is mapped as unshaded Zone X. Zone X is defined as areas outside of the 0.2% annual chance flood hazard area.

Finding #11 – Impacts to the natural environment as a result of the proposed subdivision are expected to be minimal because the applicant will be required to provide an approved weed control plan prior to final plat approval and the subject property does not contain wetlands, riparian areas, or floodplain.

5. **Wildlife and Wildlife Habitat**

The Montana Natural Heritage Program report identifies eleven species of concern and one special status species in the township and range of the proposed subdivision. The species of concern in the vicinity include: Townsend's Big-eared Bat, Wolverine, Canada Lynx, Fisher, Grizzly Bear, Great Blue Heron, Peregrine Falcon, Common Loon, Western Toad, Westslope Cutthroat Trout, and Pygmy Whitefish. The Bald Eagle is listed as a special species of concern. Most of these species reside in habitats which are not located on the subject property such as streams, rivers, lakes, wetlands, floodplain pools, emergent vegetation, cliffs, canyons, caves, boreal forests, and alpine habitats. Several of these species reside in forest habitat and may be present on site. Montana Fish, Wildlife & Parks did not provide comment on the proposed subdivision.

Finding #12 – The proposed subdivision is anticipated to have a minimal impact on wildlife and wildlife habitat because the property is currently developed as residential, the proposed subdivision would create only one additional lot, and the relatively large lot sizes would allow for the preservation of wildlife habitat.

6. **Historical Features**

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

Finding #13 – The proposed subdivision would not adversely impact historical features because there are no known historic, archeological, or cultural sites on the subject property.

B. **Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.**

Finding #14 – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations and Review Procedure

1. Requested Variances

No variances have been requested with this application.

2. Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

March 6, 2020

ii. Application Deadline Date (6 months from pre-application)

September 6, 2020

iii. Application Submittal Date

April 3, 2020

iv. Completeness Date

April 7, 2020

v. Sufficiency Date

April 27, 2020

vi. Agency Referral Requests Mailing Date

April 28, 2020

vii. Adjacent Property Notification Mailing Date

May 20, 2020

viii. Legal Notice Publication Date

May 24, 2020

ix. On-site Posting of Public Hearing Date

Prior to June 1, 2020

Finding #15 – The proposed subdivision has been reviewed as a subsequent minor subdivision in accordance with statutory criteria and standards outlined in Section 4.3 of the Flathead County Subdivision Regulations effective December 3, 2018.

D. Provision of Easements for the Location and Installation of Planned Utilities

Finding #16 – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

E. Provision of Legal and Physical Access to Each Parcel

Primary access to the subdivision would be from Highway 2 and Tiger Lily Lane. Lot 1 would be accessed from an existing driveway off Tiger Lily Lane and Lot 2 would be accessed from a shared approach off Highway 2.

Finding #17 – The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because Highway 2 and Tiger Lily Lane would provide legal and physical access.

F. Review of Applicable Plans

76-1-605(2)(b) M.C.A. states that “*A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.*” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings

of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The proposed subdivision is located in an area of Flathead County that is not within a neighborhood plan.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

G. Compliance with Local Zoning

A portion of the subject property is currently zoned 'Scenic Corridor' and the remaining portion is not zoned. There are no bulk and dimensional requirements within the Scenic Corridor zoning designation.

Finding #18 – The proposal generally complies with the Flathead County Growth Policy and the zoning regulations because the proposed subdivision is zoned Scenic Corridor and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

V. SUMMARY OF FINDINGS

1. There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision because the property is not in agricultural production, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.
2. Impacts on water and wastewater services have not been determined because the lots are exempt from DEQ review, the applicant has not sought on-site sewer and water facilities, and a disclaimer shall be placed on the face of the final plat stating this plat has not been reviewed or approved for individual sewer or water facilities. [Condition 19]
3. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management. [Conditions 6, 9]
4. Impacts on area roads would appear to be acceptable as Highway 2 and Tiger Lily Lane would provide legal and physical access to the proposed subdivision lots, the proposed subdivision has the potential to increase traffic on Highway 2 by less than 1%, and an updated approach permit from the Montana Department of Transportation would be required for the approach onto Highway 2. [Condition 15]
5. Impacts on local services with regard to schools, mail delivery and recreation would appear to be acceptable as the proposed subdivision would add approximately one student to the local school district, the applicant will be required to submit written approval from the local postmaster prior to final plat approval, no parkland dedication would be required, and a 15-

foot wide pedestrian and bicycle path easement along Highway 2 would be required. [Conditions 5, 16]

6. Impacts on storm water drainage have not been determined because the lots are exempt from DEQ review and a disclaimer shall be placed on the face of the final plat stating this plat has not been reviewed or approved for storm water drainage. [Conditions 11, 19]
7. Impacts on police, fire and emergency medical services would be minimal with the imposition of conditions because the subject property would be served by the Marion Fire District and Flathead County Sheriff's Department in the event of an emergency and the applicant will be required to annex all lots within the proposed subdivision into the local fire district and implement an approved Fire Prevention, Control and Fuels Reduction Plan prior to final plat approval. [Conditions 2, 17, 18, 19]
8. Impacts to air quality and noise are anticipated to be minimal with the imposition of conditions because impacts of noise from the residential development are not expected to extend beyond property lines, the primary access roads to the subdivision are paved, and a Dust Control Plan was provided to mitigate potential issues of dust during construction. [Conditions 7, 9]
9. Impacts to public health and safety from high voltage electric lines, high pressure gas lines, or airport influence areas are not anticipated because no high voltage electric lines or high pressure gas lines are located on the subject property and the property is not located within an airport influence area.
10. No impacts from soils and geological and avalanche hazards are anticipated because soil types on the subject property appear suitable for development, the property does not contain steep slopes, and there is no evidence of unstable soils, rock outcroppings, falls or slides on the property.
11. Impacts to the natural environment as a result of the proposed subdivision are expected to be minimal because the applicant will be required to provide an approved weed control plan prior to final plat approval and the subject property does not contain wetlands, riparian areas, or floodplain. [Conditions 3, 9]
12. The proposed subdivision is anticipated to have a minimal impact on wildlife and wildlife habitat because the property is currently developed as residential, the proposed subdivision would create only one additional lot, and the relatively large lot sizes would allow for the preservation of wildlife habitat.
13. The proposed subdivision would not adversely impact historical features because there are no known historic, archeological, or cultural sites on the subject property.
14. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval. [Condition 10]
15. The proposed subdivision has been reviewed as a subsequent minor subdivision in accordance with statutory criteria and standards outlined in Section 4.3 of the Flathead County Subdivision Regulations effective December 3, 2018.

16. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations. [Condition 10]
17. The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because Highway 2 and Tiger Lily Lane would provide legal and physical access.
18. The proposal generally complies with the Flathead County Growth Policy and the zoning regulations because the proposed subdivision is zoned Scenic Corridor and the proposal conforms to the regulations used in the review of subdivision in Flathead County.

VI. CONCLUSION

In accordance with the provisions of Section 4.3 of the Flathead County Subdivision Regulations, a review and evaluation of the subsequent minor subdivision application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria found in Section 4.7 FCSR, pursuant to the draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditional of approval. Should the Flathead County Board of Commissioners choose to grant preliminary plat approval of this subdivision, the following draft conditions should be considered to supplement the decision and mitigate impacts anticipated as a result of the subdivision.

VII. CONDITIONS OF APPROVAL

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Sections 4.7.16(g)(iv), 4.7.26(c) FCSR]
2. The developer shall comply with reasonable fire suppression and access requirements of the Marion Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR and Finding of Fact (FOF) 7]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR and FOF 11]
4. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
5. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR and FOF 5]

6. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR and FOF 3]
7. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 8]
8. All road names shall be approved by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 8]
 - d. Solid waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22 FCSR and FOF 3]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [Section 4.7.25 FCSR and FOF 11]
10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. and FOF 14, 16]
11. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.) and FOF 6]
12. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
13. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]

14. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

15. Prior to final plat approval, the applicant shall provide an updated approach permit from the Montana Department of Transportation for the approach onto Highway 2. [Section 4.7.16 FCSR and FOF 4]
16. A 15-foot wide pedestrian and bicycle path easement shall be shown on the face of the final plat for the entire length of the subdivision adjacent to the Highway 2 right-of-way. [Sections 4.7.19 FCSR and FOF 5]
17. Prior to final plat approval, the applicant shall provide written documentation from the local fire protection authority verifying the approved Fire Prevention, Control and Fuels Reduction Plan has been implemented. [Section 4.7.27(b)(iii) FCSR and FOF 7]
18. Prior to final plat approval, the applicant shall provide written documentation from the Marion Fire District verifying all lots within the subdivision have been annexed into the District. [Section 4.7.27 FCSR and FOF 7]
19. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. This plat has not been reviewed or approved for individual sewer or water facilities or for storm water drainage. [Section 4.7.21 FCSR and FOF 2 & 6]
 - b. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27 FCSR and FOF 7]
 - c. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27 FCSR and FOF 7]
 - d. Firewise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27 FCSR and FOF 7]